

Executive Summary – Enforcement Matter – Case No. 47374

INVISTA S.a r.l.

RN104392626

Docket No. 2013-1503-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Invista SARL Sabine River Site, located at 3055A Farm-to-Market Road 1006, Orange, Orange County

Type of Operation:

Organic chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No.: 2013-1243-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: March 7, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$13,126

Amount Deferred for Expedited Settlement: \$2,625

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$5,251

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$5,250

Name of SEP: Southeast Texas Regional Planning Commission

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

Executive Summary – Enforcement Matter – Case No. 47374
INVISTA S.a r.l.
RN104392626
Docket No. 2013-1503-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: June 13, 2013 and June 17, 2013

Date(s) of NOE(s): July 12, 2013 and August 8, 2013

Violation Information

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 14 pounds ("lbs") of hydrogen cyanide ("HCN"), during an emissions event (Incident No. 174667) that occurred on October 10, 2012 and lasted sixteen minutes. The emissions event occurred due to an isolation valve becoming locked in a partially open position in the Adiponitrile unit during a scheduled unit turnaround. Since this emissions event could have been prevented through better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), Federal Operating Permit ("FOP") No. 01897, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 12, Air Permit Nos. 1302 and PSDTX1085, Special Conditions ("SC") No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to prevent unauthorized emissions. Specifically, the Respondent released 20 lbs of HCN and 350 lbs of carbon monoxide during an emissions event (Incident No. 176612) that occurred on December 1, 2012 and lasted four hours and eight minutes. The emissions event resulted from the failure to maintain the required nitrogen pressure during a startup of the West Train in the HCN Refining Unit. Since this emissions event could have been prevented through better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), FOP No. 01897, GTC and STC No. 12, Air Permit Nos. 1302 and PSDTX1085, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By March 31, 2013, the Respondent revised procedures and implemented training to prevent the recurrence of emissions events due to same or similar causes as Incident Nos. 174667 and 176612.

Technical Requirements:

The Order will require the Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)

Executive Summary – Enforcement Matter – Case No. 47374
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RN104392626
Docket No. 2013-1503-AIR-E

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Nadia Hameed, Enforcement Division,
Enforcement Team 5, MC R-12, (713) 767-3629; Candy Garrett, Enforcement Division,
MC 219, (512) 239-1456
TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division,
MC 219, (512) 239-3565
Respondent: Anurag Gupta, Environmental Manager, INVISTA S.a r.l., P.O. Box
1003, Orange, Texas 77631
Paul B. Hughes, Director Core Intermediate Operations, INVISTA S.a r.l., P.O. Box
1003, Orange, Texas 77631
Respondent's Attorney: N/A

Attachment A
Docket Number: 2013-1503-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	INVISTA S.a r.l.
Penalty Amount:	Ten Thousand Five Hundred One Dollars (\$10,501)
SEP Amount:	Five Thousand Two Hundred Fifty Dollars (\$5,250)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Southeast Texas Regional Planning Commission
Name of Project:	West Port Arthur Home Energy Efficiency Program
Location of SEP:	Texas Air Quality Control Region 106 - Southern Louisiana - Southeast Texas

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

Respondent shall contribute the SEP amount to the Third-Party Administrator named above. The contribution will be to the Southeast Texas Regional Planning Commission to be used for the *West Port Arthur Home Energy Efficiency Program* as set forth in the agreement between the Third-Party Administrator and the TCEQ. Specifically, the Performing Party shall use SEP funds to assist low-income residents in the West Port Arthur area by: 1) conducting home energy audits; 2) weatherizing homes to improve energy efficiency; and/or 3) repairing or replacing heating/cooling systems and major appliances with new, energy-efficient equipment. Weatherizing homes may include costs of caulking openings as well as insulating walls, floors, and attics in homes. Any heating/cooling systems or major appliances that are replaced must be scrapped and must not be reused in any way. The Performing Party shall use consistent and reliable criteria for determining the low-income status of residents assisted with SEP funds.

INVISTA S.a r.l.
Agreed Order - Attachment A

Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

b. Environmental Benefit

Implementation of this project will reduce residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic carbon compounds, and nitrogen oxides associated with the combustion of fuel and generation of electricity.

c. Minimum Expenditure

Respondent shall contribute at least the SEP amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP amount to the Third-Party Administrator. Respondent shall mail the contribution, with a copy of the Agreed Order to:

Southeast Texas Regional Planning Commission
Bob Dickinson, Director Transportation and Environmental
Resources
Attention: SEP
2210 Eastex Freeway
Beaumont, Texas 77703

3. Records and Reporting

Concurrent with the payment of the SEP amount, Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP amount to the Third-Party Administrator. Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Office of Legal Services
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

Respondent shall also mail a copy of the check to the Enforcement Division SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	12-Aug-2013	Screening	13-Aug-2013	EPA Due	9-May-2014
	PCW	26-Nov-2013				

RESPONDENT/FACILITY INFORMATION

Respondent	INVISTA S.a r.l.				
Reg. Ent. Ref. No.	RN104392626				
Facility/Site Region	10-Beaumont		Major/Minor Source	Major	

CASE INFORMATION

Enf./Case ID No.	47374	No. of Violations	2
Docket No.	2013-1503-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Nadia Hameed
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$7,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **100.0%** Enhancement **Subtotals 2, 3, & 7** **\$7,500**

Notes: Enhancement for two NOV's with same/similar violations, two NOV's with dissimilar violations, five orders with denial of liability, and one order without denial of liability. Reduction for three notices of intent to conduct an audit and one disclosure of violations.

Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$1,874**

Economic Benefit **0.0%** Enhancement* **Subtotal 6** **\$0**

Total EB Amounts \$40
Approx. Cost of Compliance \$2,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$13,126**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$13,126**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$13,126**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$2,625**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$10,501**

Screening Date 13-Aug-2013
Respondent INVISTA S.a r.l.
Case ID No. 47374
Reg. Ent. Reference No. RN104392626
Media [Statute] Air
Enf. Coordinator Nadia Hameed

Docket No. 2013-1503-AIR-E

PCW

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	2	10%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	5	100%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	3	-3%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	1	-2%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 134%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two NOVs with same/similar violations, two NOVs with dissimilar violations, five orders with denial of liability, and one order without denial of liability. Reduction for three notices of intent to conduct an audit and one disclosure of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 134%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 13-Aug-2013
Respondent INVISTA S.a r.l.
Case ID No. 47374
Reg. Ent. Reference No. RN104392626
Media [Statute] Air
Enf. Coordinator Nadia Hameed

Docket No. 2013-1503-AIR-E

PCW

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), Federal Operating Permit ("FOP") No. 01897, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 12, Air Permit Nos. 1302 and PSDTX1085, Special Conditions ("SC") No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 14 pounds ("lbs") of hydrogen cyanide ("HCN"), during an emissions event (Incident No. 174667) that occurred on October 10, 2012 and lasted sixteen minutes. The emissions event occurred due to an isolation valve becoming locked in a partially open position in the Adiponitrile unit during a scheduled unit turnaround. Since this emissions event could have been prevented through better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$937

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes

The Respondent completed the corrective actions on March 31, 2013, prior to the July 12, 2013 NOE.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$24

Violation Final Penalty Total \$6,563

This violation Final Assessed Penalty (adjusted for limits) \$6,563

Economic Benefit Worksheet

Respondent INVISTA S.a.r.l.
Case ID No. 47374
Reg. Ent. Reference No. RN104392626
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$500	10-Oct-2012	31-Mar-2013	0.47	\$12	n/a	\$12
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	10-Oct-2012	31-Mar-2013	0.47	\$12	n/a	\$12

Notes for DELAYED costs

Estimated expense to revise procedures and implement training to prevent recurrence of emissions events due to same or similar causes as Incident No. 174667. The Date Required is the date of the emissions event and the Final Date is the date the corrective actions were completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$24

Screening Date 13-Aug-2013

Docket No. 2013-1503-AIR-E

PCW

Respondent INVISTA S.a.r.l.

Policy Revision 3 (September 2011)

Case ID No. 47374

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN104392626

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), FOP No. O1897, GTC and STC No. 12, Air Permit Nos. 1302 and PSDTX1085, SC No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 20 lbs of HCN, and 350 lbs of carbon monoxide during an emissions event (Incident No. 176612) that occurred on December 1, 2012 and lasted four hours and eight minutes. The emissions event resulted from the failure to maintain the required nitrogen pressure during a startup of the West Train in the HCN Refining Unit. Since this emissions event could have been prevented through better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$937

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes

The Respondent completed the corrective actions on March 31, 2013, prior to the August 8, 2013 NOE.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$16

Violation Final Penalty Total \$6,563

This violation Final Assessed Penalty (adjusted for limits) \$6,563

Economic Benefit Worksheet

Respondent INVISTA S.a r.l.

Case ID No. 47374

Reg. Ent. Reference No. RN104392626

Media Air

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$500	1-Dec-2012	31-Mar-2013	0.33	\$8	n/a	\$8
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	1-Dec-2012	31-Mar-2013	0.33	\$8	n/a	\$8

Notes for DELAYED costs

Estimated expense to revise procedures and implement training to prevent recurrence of emissions events due to same or similar causes as Incident No. 176612. The Date Required is the date of the emissions event and the Final Date is the date the corrective actions were completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$16

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN602582231, RN104392626, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator: CN602582231, INVISTA S.a r.l.

Classification: SATISFACTORY

Rating: 7.89

Regulated Entity: RN104392626, INVISTA SARL SABINE RIVER SITE

Classification: SATISFACTORY

Rating: 12.51

Complexity Points: 31

Repeat Violator: NO

CH Group: 05 - Chemical Manufacturing

Location: 3055A FM 1006 ORANGE, TX 77630-8045, ORANGE COUNTY

TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):

AIR NEW SOURCE PERMITS AFS NUM 4836100244
AIR NEW SOURCE PERMITS REGISTRATION 76134
AIR NEW SOURCE PERMITS REGISTRATION 75994
AIR NEW SOURCE PERMITS REGISTRATION 33081
AIR NEW SOURCE PERMITS REGISTRATION 40371
AIR NEW SOURCE PERMITS REGISTRATION 38402
AIR NEW SOURCE PERMITS REGISTRATION 52687
AIR NEW SOURCE PERMITS REGISTRATION 45950
AIR NEW SOURCE PERMITS REGISTRATION 44206
AIR NEW SOURCE PERMITS REGISTRATION 43816
AIR NEW SOURCE PERMITS REGISTRATION 56241
AIR NEW SOURCE PERMITS REGISTRATION 36731
AIR NEW SOURCE PERMITS REGISTRATION 51530
AIR NEW SOURCE PERMITS REGISTRATION 51509
AIR NEW SOURCE PERMITS REGISTRATION 55029
AIR NEW SOURCE PERMITS PERMIT 1303
AIR NEW SOURCE PERMITS PERMIT 1790
AIR NEW SOURCE PERMITS REGISTRATION 78657
AIR NEW SOURCE PERMITS REGISTRATION 78882
AIR NEW SOURCE PERMITS REGISTRATION 80427
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1085
AIR NEW SOURCE PERMITS REGISTRATION 81967
AIR NEW SOURCE PERMITS REGISTRATION 81949
AIR NEW SOURCE PERMITS REGISTRATION 82405
AIR NEW SOURCE PERMITS REGISTRATION 82438
AIR NEW SOURCE PERMITS REGISTRATION 90910
AIR NEW SOURCE PERMITS REGISTRATION 86674
AIR NEW SOURCE PERMITS REGISTRATION 91455
AIR NEW SOURCE PERMITS REGISTRATION 92371
AIR NEW SOURCE PERMITS REGISTRATION 92704
AIR NEW SOURCE PERMITS REGISTRATION 95876
AIR NEW SOURCE PERMITS REGISTRATION 99257
AIR NEW SOURCE PERMITS REGISTRATION 101881
AIR NEW SOURCE PERMITS REGISTRATION 101883
AIR NEW SOURCE PERMITS REGISTRATION 104080
AIR NEW SOURCE PERMITS REGISTRATION 107613
AIR NEW SOURCE PERMITS REGISTRATION 112078
AIR NEW SOURCE PERMITS REGISTRATION 112262

AIR NEW SOURCE PERMITS REGISTRATION 76385
AIR NEW SOURCE PERMITS PERMIT 1387
AIR NEW SOURCE PERMITS PERMIT 1302
AIR NEW SOURCE PERMITS REGISTRATION 43815
AIR NEW SOURCE PERMITS REGISTRATION 38853
AIR NEW SOURCE PERMITS REGISTRATION 37818
AIR NEW SOURCE PERMITS REGISTRATION 43041
AIR NEW SOURCE PERMITS REGISTRATION 44499
AIR NEW SOURCE PERMITS REGISTRATION 42060
AIR NEW SOURCE PERMITS REGISTRATION 53853
AIR NEW SOURCE PERMITS REGISTRATION 50464
AIR NEW SOURCE PERMITS REGISTRATION 35863
AIR NEW SOURCE PERMITS REGISTRATION 51405
AIR NEW SOURCE PERMITS REGISTRATION 71720
AIR NEW SOURCE PERMITS REGISTRATION 54974
AIR NEW SOURCE PERMITS PERMIT 9468
AIR NEW SOURCE PERMITS REGISTRATION 76879
AIR NEW SOURCE PERMITS REGISTRATION 79303
AIR NEW SOURCE PERMITS REGISTRATION 80152
AIR NEW SOURCE PERMITS REGISTRATION 79898
AIR NEW SOURCE PERMITS REGISTRATION 81904
AIR NEW SOURCE PERMITS REGISTRATION 81976
AIR NEW SOURCE PERMITS REGISTRATION 82408
AIR NEW SOURCE PERMITS REGISTRATION 83014
AIR NEW SOURCE PERMITS REGISTRATION 83021
AIR NEW SOURCE PERMITS REGISTRATION 85930
AIR NEW SOURCE PERMITS REGISTRATION 85494
AIR NEW SOURCE PERMITS REGISTRATION 92531
AIR NEW SOURCE PERMITS REGISTRATION 92530
AIR NEW SOURCE PERMITS ACCOUNT NUMBER OCA002B
AIR NEW SOURCE PERMITS REGISTRATION 95871
AIR NEW SOURCE PERMITS REGISTRATION 99099
AIR NEW SOURCE PERMITS REGISTRATION 101876
AIR NEW SOURCE PERMITS REGISTRATION 104039
AIR NEW SOURCE PERMITS REGISTRATION 103697
AIR NEW SOURCE PERMITS REGISTRATION 107798
AIR NEW SOURCE PERMITS REGISTRATION 107611
AIR OPERATING PERMITS PERMIT 1868

AIR OPERATING PERMITS PERMIT 1897
AIR OPERATING PERMITS PERMIT 1898
AIR OPERATING PERMITS PERMIT 1350

AIR OPERATING PERMITS PERMIT 1996
AIR OPERATING PERMITS ACCOUNT NUMBER OCA002B
AIR OPERATING PERMITS PERMIT 1996

AIR OPERATING PERMITS PERMIT 1868
AIR OPERATING PERMITS PERMIT 2075
UNDERGROUND INJECTION CONTROL PERMIT WDW055
UNDERGROUND INJECTION CONTROL PERMIT WDW282
AIR EMISSIONS INVENTORY ACCOUNT NUMBER
OCA002B
INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXR000057752
POLLUTION PREVENTION PLANNING ID NUMBER
P06863

AIR OPERATING PERMITS PERMIT 1898
UNDERGROUND INJECTION CONTROL PERMIT WDW054
UNDERGROUND INJECTION CONTROL PERMIT WDW191
STORMWATER PERMIT TXR05R439
INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50395
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 87432
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION
(SWR) 87432

Compliance History Period: September 01, 2007 to August 31, 2012 **Rating Year:** 2012 **Rating Date:** 09/01/2012

Date Compliance History Report Prepared: August 12, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: August 12, 2008 to August 12, 2013

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Nadia Hameed

Phone: (713) 767-3629

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

1 **Effective Date:** 03/23/2009 **ADMINORDER 2008-1055-AIR-E (1660 Order-Agreed Order With Denial)**

Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter F 117.4045(c)
30 TAC Chapter 117, SubChapter F 117.4145(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01350, Special Condition 1A OP
O-01868; Special Condition 1A OP

Description: Failed to submit Excess Emission Reports in a timely manner for the Adipic Acid Unit and the Nitric Acid Unit. Specifically, the reports for first quarter 2007 were submitted four days late and the reports for second and third quarter 2007 were each submitted one day late.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.146(5)(C)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01350, General Terms and Conditions OP
O-01868, General Terms and Conditions OP
O-01996, General Terms and Conditions OP

Description: Failed to report all deviations for reporting periods November 16, 2006 through May 15, 2007 and February 6, 2007 through August 5, 2007. Specifically, the Respondent failed to report failing to monitor 211 components on the semiannual deviation report ("SDR") for November 16, 2006 through May 15, 2007, and failed to report four deviations of failing to submit timely Excess Emission Reports for the SDRs for the reporting period of February 6, 2007 through August 5, 2007.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(c)(1)(iii)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(a)(1)(i)(A)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: O-01996, Special Condition 10B OP
O-01996, Special Condition 12A OP
O-01996, Special Condition 1A OP

Description: Failed to conduct Method 21 monitoring on 211 components in 2006 in the Boiler-101 area of the Hexamethylene Diamine Production Unit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(c)(1)(ii)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(a)(1)(i)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01996, Special condition 10B OP
O-01996, Special Condition 11A OP
O-01996, Special Condition 1A OP

Description: Failed to conduct fugitive emission monitoring on 22 containers containing hazardous waste prior to off-site shipment in 2006. Specifically, the containers with the following Manifest Nos. were not monitored: 82794, 90091, 65073, 106355, 106307, 106306, 3517981, 3517982, 3518086, 94510gbf, 94562, 94563, 94564, 94565, 94566, 94567, 94568, 94570, 94571, 94572, 94594, and 94602.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(8)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01996, Special Condition 10K OP
O-01996, Special Condition 1A OP

Description: Failed to report failing to monitor 211 components in the Benzene Annual Inspection Report for Calendar Year 2006 submitted on April 5, 2007.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 1302, Special Condition 1 PERMIT
FOP O-02075, General Terms and Condition PERMIT
FOP O-02075, Special Condition 10 PERMIT
O-01897, General Terms and Conditions OP
O-01897, Special Condition 20 OP

Description: Failed to prevent unauthorized emissions. Specifically, 0.1 pound of hazardous air pollutant ("HAP") benzene was released from the Alkaline Waste Tank, emission point number ("EPN") PH3, 370 pounds ("lbs") of the HAP benzene were released from the Organic Sump Receiver, EPN PA39, and 1.7 lbs of the HAP benzene were released from the Secondary Overhead Decanter, EPN PH3, during an emissions event that occurred on March 6, 2008 and lasted 17 hours and five minutes. Since these emissions were avo

2 **Effective Date: 04/20/2009 ADMINORDER 2008-1609-AIR-E (1660 Order-Agreed Order With Denial)**

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.100
30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.702(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.113(a)(1)(i)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(e)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(e)(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.126(b)(2)(i)
40 CFR Chapter 65, SubChapter C, PT 65, SubPT E 65.115(b)(2)
40 CFR Chapter 65, SubChapter C, PT 65, SubPT G 65.142(d)(1)

40 CFR Chapter 65, SubChapter C, PT 65, SubPT G 65.147(a)(4)(ii)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:1302, Special Condition 2(3) PERMIT

1302, Special Condition 4B PERMIT

O-01897, Special Condition 12 OP

O-01897, Special Condition 1A OP

O-01897, Special Condition 20 OP

Description: Failed to maintain the minimum net heating value of 200 Btu/scf in the gas stream going to the ADN Operating Flare (Emission Point No. FH3). Specifically, on April 25, 2007, from approximately 08:00 to 17:00, the net heating value of the gas stream was estimated to be within the range of 166 to 193 Btu/scf, and on September 19, 2007, from 10:00 to 12:00, the net heating value was between 189 to 193 Btu/scf.

3 Effective Date: 06/18/2010 ADMINORDER 2009-0561-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:General Terms and Conditions OP

Special Condition 14 OP

Special Condition 1A OP

Special Condition 9E PERMIT

Description: Failed to maintain records of AVO inspections for ammonia leaks from the Fugitives EPN PE-FUG, in the HMD Production Unit on February 15, April 17, 19, 22 and 24, 2008.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.122(a)(2)(B)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:General Terms and Conditions OP

Special Condition 1A OP

Description: Failed to properly control VOC vent gas streams from the Refining Ammonia Scrubber in the HMD Production Unit, so that destruction efficiency is 98%, or that VOC concentration is no more than 20 ppm. Specifically, INVISTA reported 120 instances between November 16, 2007 through May 15, 2008 when the CO concentration exceeded 100 ppm, which indicates a less than 98% destruction efficiency.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:General Terms and Conditions OP

Special Condition 14 OP

Special Condition 3 PERMIT

Description: Failed to collect and analyze ammonia samples from the Low Pressure Absorber, EPN PE-21, in the HMD Production Unit at least once per 12-hour shift on April 14 and 27, 2008.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.348(a)(1)(iii)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:General Terms and Conditions OP

Special Condition 1A OP

Description: Failed to incinerate benzene in the waste stream of Boiler 7, EPN B-7, in the HMD Production Unit. Specifically, on November 25, 2007, the CO concentration exceeded 100 ppm while burning hazardous waste, indicating that less than 99% of benzene was removed.

4 Effective Date: 10/02/2011 ADMINORDER 2010-2078-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:General Terms and Conditions OP

Special Condition 1 PERMIT

Special Condition 13 OP

Description: Failure to comply with the volatile organic compound (VOC) maximum allowable emission rate listed in NSR Permit 1303 for the No. 1 Vent Stack.

5 **Effective Date: 05/25/2012 ADMINORDER 2011-1547-AIR-E (1660 Order-Agreed Order With Denial)**

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition 1 PERMIT

Special Terms and Conditions No. 21 OP

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition 1 PERMIT

Special Condition 21 OP

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.146(2)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:General Terms and Conditions OP

Description: Failed to submit an annual compliance certification ("ACC") within 30 days after the end of the certification period.

6 **Effective Date: 09/29/2012 ADMINORDER 2012-0260-AIR-E (1660 Order-Agreed Order With Denial)**

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:and PSD-TX-1085, Special Condition 1 PERMIT

General Condition OP

Special Condition 21 OP

Description: Failed to prevent unauthorized emissions during an event that occurred on July 3, 2011 through July 6, 2011 (Incident No. 156402). Specifically, the Respondent released 287.39 pounds of unauthorized hydrogen cyanide emissions from the Ammonia Flare [Emission Point No. ("EPN") PH70], the Start-up Flare (EPN PH2), and the Adiponitrile Operating Flare (EPN PH3) during the 74 hour 30 minute event.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	August 25, 2008	(685636)
Item 2	September 06, 2008	(687106)
Item 3	November 17, 2008	(705683)
Item 4	November 19, 2008	(701258)
Item 5	February 17, 2009	(726685)
Item 6	March 18, 2009	(725018)
Item 7	April 20, 2009	(743000)
Item 8	May 04, 2009	(742511)
Item 9	June 17, 2009	(747181)
Item 10	June 23, 2009	(747126)
Item 11	July 08, 2009	(759188)
Item 12	July 29, 2009	(761422)
Item 13	August 25, 2009	(764556)
Item 14	August 26, 2009	(763106)
Item 15	August 31, 2009	(761631)
Item 16	September 24, 2009	(766142)

Item 17	November 09, 2009	(776819)
Item 18	December 23, 2009	(784258)
Item 19	January 27, 2010	(785422)
Item 20	April 21, 2010	(794056)
Item 21	April 22, 2010	(793938)
Item 22	May 21, 2010	(799217)
Item 23	May 25, 2010	(803719)
Item 24	June 10, 2010	(803280)
Item 25	June 22, 2010	(803721)
Item 26	June 25, 2010	(826236)
Item 27	July 08, 2010	(803514)
Item 28	November 03, 2010	(865889)
Item 29	November 05, 2010	(871717)
Item 30	January 11, 2011	(885786)
Item 31	April 06, 2011	(908537)
Item 32	April 15, 2011	(907007)
Item 33	April 20, 2011	(908975)
Item 34	May 16, 2011	(905650)
Item 35	May 25, 2011	(907734)
Item 36	June 06, 2011	(912053)
Item 37	June 10, 2011	(906643)
Item 38	June 23, 2011	(920556)
Item 39	June 24, 2011	(914147)
Item 40	July 01, 2011	(933313)
Item 41	July 15, 2011	(935035)
Item 42	July 21, 2011	(921231)
Item 43	September 23, 2011	(949241)
Item 44	October 13, 2011	(956755)
Item 45	November 17, 2011	(922282)
Item 46	December 16, 2011	(974607)
Item 47	January 03, 2012	(957900)
Item 48	January 17, 2012	(964970)
Item 49	February 20, 2012	(950499)
Item 50	February 29, 2012	(983530)
Item 51	March 26, 2012	(988647)
Item 52	March 27, 2012	(994604)
Item 53	April 16, 2012	(996766)
Item 54	April 24, 2012	(989909)
Item 55	April 25, 2012	(990028)
Item 56	May 24, 2012	(990336)
Item 57	May 25, 2012	(1006735)
Item 58	May 30, 2012	(993682)
Item 59	July 10, 2012	(1015876)
Item 60	July 17, 2012	(1020415)
Item 61	September 05, 2012	(1021551)
Item 62	October 13, 2012	(1028443)
Item 63	November 30, 2012	(1043763)
Item 64	December 05, 2012	(1042044)
Item 65	January 31, 2013	(1054649)
Item 66	February 19, 2013	(1057539)
Item 67	February 20, 2013	(1057418)
Item 68	February 21, 2013	(1058749)
Item 69	June 20, 2013	(1099575)
Item 70	July 29, 2013	(1103660)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1

Date: 08/28/2012 (1014903)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.216(3)(A)

30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 1 OP
 Description: Failure to maintain loading inspection records as required.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 113, SubChapter C 113.520
 30 TAC Chapter 113, SubChapter E 113.3050
 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)
 40 CFR Chapter 65, SubChapter C, PT 65, SubPT E 65.114(b)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 NSR Permit 1302, Special Condition 12E PERMIT
 NSR Permit 1302, Special Condition 4E PERMIT
 Special Condition 1 OP
 Special Condition 21 OP
 Description: Failure to equip open-ended lines (OELs) with a second valve, a blind flange, or a tightly-fitting plug or cap.
 EIC C,10 MIN 3,D
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(c)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(b)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(g)
 5C THSC Chapter 382 382.085(b)
 General Condition 9C OP
 General Terms and Conditions OP
 NSR Permit 1302, Special Condition 3A PERMIT
 Special Condition 21 OP
 Description: Failure to maintain documentation of quarterly visual inspections required by 40 CFR 61, Subpart FF. EIC C,3 MIN 3,C
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(f)
 5C THSC Chapter 382 382.085
 General Terms and Conditions OP
 NSR Permit 1302, Special Condition 3A PERMIT
 Special Condition 21 OP
 Special Condition 8D OP
 Description: Failure to include the proper notification with waste shipments regulated by 40 CFR Part 61, Subpart FF.
 EIC C,3 MIN 3,C
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(c)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 NSR Permit 1302, Special Condition 3A PERMIT
 Special Condition 21 OP
 Special Condition 8M OP
 Description: Failure to maintain documentation for offsite waste shipments regulated by 40 CFR Part 61, Subpart FF. EIC C,3 MIN 3,C
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(j)(7)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 NSR Permit 1302, Special Condition 3A PERMIT
 Special Condition 21 OP
 Description: Failure to maintain continuous records of the ADN Operating Flare pilot flame monitoring. EIC C,3 MIN 3,C
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)

30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 2F OP
 Description: Failure to create a final record of non-reportable emissions events in a timely manner. EIC C,3 MIN 3,C
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(c)(1)(ii)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(a)(1)(i)(B)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(a)(1)(ii)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347(a)(1)(i)(B)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(1)(iv)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 NSR 1302, Special Condition 3A PERMIT
 Special Condition 21 OP
 Special Condition 8A OP
 Description: Failure to maintain each opening of a fixed roof or closed-vent system in a closed, sealed position. EIC B19,G1 MOD 2,G
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(i)(A)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 1 OP
 Description: Failure to reduce the organic emissions vented to the Fume Abator (EPN PA39) by 95 weight percent. EIC B19,G1 MOD 2,D
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(c)(1)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(j)(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 OP
 Special Terms and Conditions OP
 Description: Failure to maintain continuous temperature records of the gas stream in the combustion zone of a thermal vapor incinerator. EIC C,3 MIN 3,C
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 20 OP
 Special Terms and Conditions OP
 Description: Failure to monitor opacity from the South Boiler (EPN PF40). EIC C,1 MIN 3A
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 65, SubChapter C, PT 65, SubPT E 65.108(b)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 NSR Permit 1302, Special Condition 21 PERMIT
 NSR Permit 1302, Special Condition 4F PERMIT
 Special Condition 21 OP
 Description: Failure to monitor LDAR components in gas/vapor service on a quarterly basis. EIC B3 MIN 3,A
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter B 115.142(1)
 30 TAC Chapter 115, SubChapter B 115.144(1)(A)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 5A OP
 Description: Failure to inspect components of a wastewater stream subject to 30 TAC Chapter 115, Subchapter B. EIC B3 MIN 3,A
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)

5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
NSR Permit 1302, Special Condition 9C PERMIT
Special Condition 1 OP

Description: Failure to have a smokeless flare.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
NSR Permit 1302, Special Condition 8 PERMIT
Special Condition 21 OP

Description: Failure to operate the VOC Absorber (EPN PT60) with 99 percent efficiency in recovery of carbon compounds. EIC B19,G1 MOD 2G
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.146(5)(C)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to report the occurrence of a deviation in a timely manner. EIC C,3 MIN 3,C
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
NSR Permit 1302, Special Condition 4F PERMIT
Special Condition 21 OP

Description: Failure to maintain monitoring records required by 40 CFR Part 63, Subpart EEE for the North and South ADN Boilers.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)(3)(i)(C)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(b)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1 OP

Description: Failure to immediately and automatically cut off the hazardous waste feed to the North ADN Boiler upon malfunction of a CMS. EIC B19, G1
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
NSR Permit 1302, Special Condition 15B PERMIT
Special Condition 21 OP

Description: Failure to take corrective action when the 24-hour span drift exceeded two times the amount specified in 40 CFR 60, Appendix B, Performance Specification Number 2. EIC B19, G1MOD 2G
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.103(c)(2)(ii)
5C THSC Chapter 382 382.085(b)
General Terms and Condition OP
NSR 1302, Special Conditions 4A and 4B PERMIT
Special Condition 21 OP

Description: Failure to maintain records documenting that the procedures specified in the Start-up, Shutdown, and Malfunction Plan (SSMP) were followed. EIC B3 MOD 2B
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.348(b)(2)(i)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.348(b)(2)(ii)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(a)(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(e)(1)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
NSR 1302, Special Condition 3A PERMIT
Special Condition 21 OP

Description: Failure to operate in accordance with a certified performance level. EIC B19,G1 MOD 2G

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
NSR 1302, Special Condition 9D PERMIT
Special Condition 21 OP
Description: Failure to operate the gas flow meter 95 percent of the time when the Operating
Flare (EPN PH3) was operational. EIC B19,G1 MOD 2A

2 **Date: 09/18/2012 (1021107) CN602582231**

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(3)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(3)
Description: Failure to properly label a hazardous waste tank, K-1.

3 **Date: 06/06/2013 (1088675) CN602582231**

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 113, SubChapter C 113.620
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(b)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1A OP
Special Condition 8 OP
Special Condition 9 PERMIT
Description: Failure to maintain Continuous Monitoring System (CMS) records for Powerhouse
Boilers 5 and 8.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.620
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)(3)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1A OP
Special Condition 5 PERMIT
Special Condition 6 PERMIT
Special Condition 8 OP
Special Condition 8B PERMIT

Description: Failure to prevent waste feed flow to Powerhouse Boilers when operating outside
required parameters.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.620
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(j)(3)(iii)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 12E PERMIT
Special Condition 1A OP
Special Condition 3B PERMIT
Special Condition 8 OP
Special Condition 8B PERMIT

Description: Failure to maintain records of maximum diamine liquid feed rate during
Powerhouse Boiler 8 operations.

4 **Date: 06/21/2013 (1087645) CN602582231**

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 12 OP
Special Condition 15E(1) PERMIT
Special Condition 1A OP

Description: Failure to maintain a sealing device on an open ended line.

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter D 115.354(2) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) General Terms and Conditions OP Special Condition 12 OP Special Condition 15K PERMIT Special Condition 1A OP		
Description:	Failure to identify, monitor, and keep records on valves in VOC service.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) General Terms and Conditions OP Special Condition 10 OP		
Description:	Failure to perform daily visible emissions observations.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(A) 5C THSC Chapter 382 382.085(b) General Terms and Conditions OP		
Description:	Failure to report deviations in a timely manner.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.146(1) 30 TAC Chapter 122, SubChapter B 122.146(5)(D) 5C THSC Chapter 382 382.085(b) General Terms and Conditions OP		
Description:	Failure to accurately certify compliance with the terms and conditions of permit FOP O-01868.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) General Terms and Conditions OP Special Condition 12 OP Special Condition 20D PERMIT Special Condition 30B PERMIT		
Description:	Failure to maintain minimum natural gas flow to ammonia flare during waste gas stream flow.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter C 115.214(a)(1)(A) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) General Terms and Conditions OP Special Condition 1A OP		
Description:	Failure to perform visual inspection during VOC transfer.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(a) 5C THSC Chapter 382 382.085(b) General Terms and Conditions OP Special Condition 11B(1) PERMIT Special Condition 12 OP Special Condition 1A OP Special Condition 6E OP		
Description:	Failure to assure that the Number 4 Nitric Acid Unit CEMS meets the applicable quality-assurance requirements as specified in 40 CFR Part 60, Appendix F.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) General Terms and Conditions OP Special Condition 11F PERMIT Special Condition 12 OP		
Description:	Failure to estimate measurements missed during periods when valid data was lost.		

F. Environmental audits:

Notice of Intent Date: 09/08/2010(1105605)

No DOV Associated

Notice of Intent Date: 09/08/2010(887541)

Disclosure Date: 12/15/2010

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)(3)

Description: Failed to have the AWFCO system programmed to cutoff the hazardous waste feed(s) when the span of a CMS detector is exceeded.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)(3)(viii)

Description: Failed to prevent the line for flow meter #4964 for waste gas flow to the north boiler from being plugged. Also, malfunction of the gas flow meter was not addressed in the SS & M plan and the plan was not updated to address such a malfunction. In addition, an updated SS & M plan was not done per the startup/shutdown/ and malfunction report to address a malfunction on 5/21/10 when the liquid waste flow meter malfunctioned.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)

Description: Failed to develop operation, maintenance, and inspection procedures to satisfy the MACT EEE requirements and they are not incorporated or described in the O & M plan.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1211(c)(2)

Description: Failed to have AWFCO's programmed into the DCS for the minimum atomizing media differential pressure.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(d)

Description: Failed to include required information from the semi annual reports submitted on 7/30/10 & 4/15/10, and failed to include Viol. No. 2 in this disclosure during the reporting period 1/1/10 - 6/30/10

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(e)(3)

Description: Failed to submit an excess emission and continuous monitoring system performance report since the downtime was greater than 5% for the North Boiler. It was 7.14%.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(d)(5)

Description: Failed to send a follow-up letter detailing a malfunction regarding an emergency shutdown of the North Boiler due to leaks shortly after 6/2/2010, and failed to include the event in the semi annual report due 7/30/10.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.8(d)(2)(i)

Description: Failed to address procedures for other CMS devices in Section 5.0 of the HWC MACT Continuous Monitoring System Performance Evaluation Plan which is in Table 5-1.

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT SC 1

Description: Exceeded the permitted allowable emissions for the MDEA storage tank (FIN FN 301) according to the spreadsheet for the RY 2009 EIQ as it was listed as 80,000 gal/yr of throughput and the allowable limit is less than 0.01 tpy.

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.10

Description: Failed to estimate the ozone tank emissions correctly as they were estimated only on 1/12 of the annual throughput during the month of June 2009 rather than the actual throughput during June, July and August.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.144

Description: Failed to inspect the process drains and hotwells monthly for the Ch. 115 Ind. Wastewater program. They are inspected quarterly.

Viol. Classification: Minor

Citation: 40 CFR Part 63, Subpart GGGGG 63.7950(c)

40 CFR Part 63, Subpart GGGGG 63.7950(e)

Description: Failed to submit an Initial Notification or maintain records demonstrating exemption from Subpart GGGGG as the site may conduct site remediation in the form of soil removal projects.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.147(b)(8)

Description: Failed to correctly evaluate aqueous stream for applicability to the HON.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.104

Description: Failed to use the appropriate EPA method for analyzing cooling water for benzene.

Viol. Classification: Minor

Citation: 40 CFR Chapter 82, SubChapter C, PT 82, SubPT F 82.166(k)
40 CFR Chapter 82, SubChapter C, PT 82, SubPT F 82.166(n)(3)

Description: Failed to have required records for regulated refrigerants that are added to the INVISTA appliances, also service records are missing or incomplete.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6585

Description: Failed to evaluate at least 9 diesel fired stationary, non-emergency RICE currently on site with a rated capacity of less than 500mp for applicability to the RICE MART requirements.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2485(a)

Description: Failed to correctly evaluate the stream from SR-P-022 Bldg. 3068 - Waste Organics for applicability to the MON wastewater provisions (including verification that the stream is a wastewater).

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(d)(2)

Description: There was a gap in implementation of Section 6.3.6. of the Appendix referenced in 40 CFR 63.1209(d)(2).

Viol. Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter A 106.8

Description: For sitewide turnaround activities, the plant has evaluated, but not documented compliance with the applicable requirements of 30 TAC 106.263 (routine maintenance, start-up and shutdown of facilities, and temporary maintenance facilities).

Viol. Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter A 106.8

Description: The training program dated 10/09 specifies that the annual refresher training will address each of the topics required by the regulations, but the actual materials do not address the topic of "operating problems encountered by the operator".

Viol. Classification: Minor

Citation: 40 CFR Chapter 372, SubChapter J, PT 372, SubPT A 372.10

Description: The site has not completed reporting threshold determinations for all TRI chemicals that are manufactured, processed or otherwise used.

Viol. Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.44(a)

Description: Failed to include detail in the specifications of the potable water system piping regarding the system components.

Viol. Classification: Minor

Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.16(a)(2)

Description: Contractors that handle hazardous waste receive RCRA general training but this does not cover the elements of the facility hazardous waste contingency plan, Also the training document does not describe the roles specific to the plan for various employees, and does not provide any detail as to the procedures covered by the contingency plan.

Viol. Classification: Minor

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT C 264.13(b)(2)

Description: Failed to identify the specific methods for each parameter in the waste analysis plan.

Viol. Classification: Minor

Citation: 40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(c)
40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.104

Description: Failed to calculate the feed rate of Barium within the DCS and an AWFCO is not programmed within the DCS.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)(3)(i)(A)

Description: Failed to accurately program the AWFCO limit into the DCS.

Viol. Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter A 106.8
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13

Description: Failed to have PBR required records for blasting and painting maintenance activities.

Viol. Classification: Minor

Citation: 40 CFR Chapter 261, SubChapter I, PT 261, SubPT A 261.7
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.10
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11
30 TAC Chapter 331, SubChapter D 331.67
30 TAC Chapter 335, SubChapter B 335.41(f)

Description: Failed to maintain corrosion monitoring results for Permits WDW191 and WDW282.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)(3)(i)(A)

Description: Failed to accurately program the AWFCO limit into the DCS.

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13

Description: Failed to accurately record the calibration error criteria in the Continuous Monitoring System Performance Evaluation Plan (recorded 0.5 percent of span, i.e. 1.25%, for the oxygen CEMS instead of 0.5% oxygen).

Viol. Classification: Minor

Citation: 30 TAC Chapter 331, SubChapter D 331.67

Description: Failed to maintain the corrosion monitoring results for Permits WDW191 & WDW282.

Disclosure Date: 06/23/2011

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)(3)

Description: Failed to have the AWFCO system programmed to cutoff the hazardous waste feed(s) when the span of a CMS detector is exceeded.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)(3)(viii)

Description: Failed to prevent the line for flow meter #4964 for waste gas flow to the north boiler from being plugged. Also, malfunction of the gas flow meter was not addressed in the SS & M plan and the plan was not updated to address such a malfunction. In addition, an updated SS & M plan was not done per the startup/shutdown/ and malfunction report to address a malfunction on 5/21/10 when the liquid waste flow meter malfunctioned.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)

Description: Failed to develop operation, maintenance, and inspection procedures to satisfy the MACT EEE requirements and they are not incorporated or described in the O & M plan.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1211(c)(2)

Description: Failed to have AWFCO's programmed into the DCS for the minimum atomizing media differential pressure.

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Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(e)(3)

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Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(d)(5)

Description: Failed to send a follow-up letter detailing a malfunction regarding an emergency shutdown of the North Boiler due to leaks shortly after 6/2/2010, and failed to include the event in the semi annual report due 7/30/10.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.8(d)(2)(i)

Description: Failed to address procedures for other CMS devices in Section 5.0 of the HWC MACT Continuous Monitoring System Performance Evaluation Plan which is in Table 5-1.

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Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

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Citation: 30 TAC Chapter 115, SubChapter B 115.144

Description: Failed to inspect the process drains and hotwells monthly for the Ch. 115 Ind. Wastewater program. They are inspected quarterly.

Viol. Classification: Minor

Citation: 40 CFR Part 63, Subpart GGGGG 63.7950(c)

40 CFR Part 63, Subpart GGGGG 63.7950(e)

Description: Failed to submit an Initial Notification or maintain records demonstrating exemption from Subpart GGGGG as the site may conduct site remediation in the form of soil removal projects.

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Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.147(b)(8)

Description: Failed to correctly evaluate aqueous stream for applicability to the HON.

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Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.104

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Viol. Classification: Minor

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Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6585

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Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2485(a)

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Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(d)(2)

Description: There was a gap in implementation of Section 6.3.6. of the Appendix referenced in 40 CFR 63.1209(d)(2).

Viol. Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter A 106.8

Description: For sitewide turnaround activities, the plant has evaluated, but not documented compliance with the applicable requirements of 30 TAC 106.263 (routine maintenance, start-up and shutdown of facilities, and temporary maintenance facilities).

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Citation: 30 TAC Chapter 106, SubChapter A 106.8

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Citation: 40 CFR Chapter 372, SubChapter J, PT 372, SubPT A 372.10

Description: The site has not completed reporting threshold determinations for all TRI chemicals that are manufactured, processed or otherwise used.

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Citation: 30 TAC Chapter 290, SubChapter D 290.44(a)

Description: Failed to include detail in the specifications of the potable water system piping regarding the system components.

Viol. Classification: Minor

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Description: Contractors that handle hazardous waste receive RCRA general training but this does not cover the elements of the facility hazardous waste contingency plan, Also the training document does not describe the roles specific to the plan for various employees, and does not provide any detail as to the procedures covered by the contingency plan.

Viol. Classification: Minor

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT C 264.13(b)(2)

Description: Failed to identify the specific methods for each parameter in the waste analysis plan.

Viol. Classification: Minor

Citation: 40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(c)
40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.104

Description: Failed to calculate the feed rate of Barium within the DCS and an AWFCO is not programmed within the DCS.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)(3)(i)(A)

Description: Failed to accurately program the AWFCO limit into the DCS.

Viol. Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter A 106.8
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13

Description: Failed to have PBR required records for blasting and painting maintenance activities.

Viol. Classification: Minor

Citation: 40 CFR Chapter 261, SubChapter I, PT 261, SubPT A 261.7
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.10
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11
30 TAC Chapter 331, SubChapter D 331.67
30 TAC Chapter 335, SubChapter B 335.41(f)

Description: Failed to maintain corrosion monitoring results for Permits WDW191 and WDW282.

Notice of Intent Date: 11/01/2012(1043269)

No DOV Associated

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
INVISTA S.A R.L.
RN104392626**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2013-1503-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding INVISTA S.a r.l. ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates an organic chemical manufacturing plant located at 3055A Farm-to-Market Road 1006 in Orange County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notices of the violations alleged in Section II ("Allegations") on or about July 17 and August 13, 2013.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Thirteen Thousand One Hundred Twenty-Six Dollars (\$13,126) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Five Thousand Two Hundred Fifty-One Dollars (\$5,251) of the administrative penalty and Two Thousand Six Hundred

Twenty-Five Dollars (\$2,625) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Five Thousand Two Hundred Fifty Dollars (\$5,250) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that by March 31, 2013, the Respondent revised procedures and implemented training to prevent the recurrence of emissions events due to same or similar causes as Incident Nos. 174667 and 176612.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), Federal Operating Permit ("FOP") No. 01897, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 12, Air Permit Nos. 1302 and PSDTX1085, Special Conditions ("SC") No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on June 13, 2013. Specifically, the Respondent released 14 pounds ("lbs") of hydrogen cyanide ("HCN"), during an emissions event (Incident No. 174667) that occurred on October 10, 2012 and lasted sixteen minutes. The emissions event occurred due to an isolation valve becoming locked in a partially open position in the Adiponitrile unit during a scheduled unit turnaround. Since this emissions event could have been prevented through better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

2. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), FOP No. 01897, GTC and STC No. 12, Air Permit Nos. 1302 and PSDTX1085, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on June 17, 2013. Specifically, the Respondent released 20 lbs of HCN and 350 lbs of carbon monoxide during an emissions event (Incident No. 176612) that occurred on December 1, 2012 and lasted four hours and eight minutes. The emissions event resulted from the failure to maintain the required nitrogen pressure during a startup of the West Train in the HCN Refining Unit. Since this emissions event could have been prevented through better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: INVISTA S.a r.l., Docket No. 2013-1503-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088


2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Five Thousand Two Hundred Fifty Dollars (\$5,250) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a

- violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
 6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
 7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
 8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

4/2/14
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

12-18/13
Date

PAUL B. HAWKINS
Name (Printed or typed)
Authorized Representative of
INVISTA S.a r.l.

DIRECTOR COMPLIANCE
Title OPINIONS, TX

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2013-1503-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	INVISTA S.a r.l.
Penalty Amount:	Ten Thousand Five Hundred One Dollars (\$10,501)
SEP Amount:	Five Thousand Two Hundred Fifty Dollars (\$5,250)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Southeast Texas Regional Planning Commission
Name of Project:	West Port Arthur Home Energy Efficiency Program
Location of SEP:	Texas Air Quality Control Region 106 - Southern Louisiana - Southeast Texas

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

Respondent shall contribute the SEP amount to the Third-Party Administrator named above. The contribution will be to the Southeast Texas Regional Planning Commission to be used for the *West Port Arthur Home Energy Efficiency Program* as set forth in the agreement between the Third-Party Administrator and the TCEQ. Specifically, the Performing Party shall use SEP funds to assist low-income residents in the West Port Arthur area by: 1) conducting home energy audits; 2) weatherizing homes to improve energy efficiency; and/or 3) repairing or replacing heating/cooling systems and major appliances with new, energy-efficient equipment. Weatherizing homes may include costs of caulking openings as well as insulating walls, floors, and attics in homes. Any heating/cooling systems or major appliances that are replaced must be scrapped and must not be reused in any way. The Performing Party shall use consistent and reliable criteria for determining the low-income status of residents assisted with SEP funds.

INVISTA S.a r.l.
Agreed Order - Attachment A

Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

b. Environmental Benefit

Implementation of this project will reduce residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic carbon compounds, and nitrogen oxides associated with the combustion of fuel and generation of electricity.

c. Minimum Expenditure

Respondent shall contribute at least the SEP amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP amount to the Third-Party Administrator. Respondent shall mail the contribution, with a copy of the Agreed Order to:

Southeast Texas Regional Planning Commission
Bob Dickinson, Director Transportation and Environmental
Resources
Attention: SEP
2210 Eastex Freeway
Beaumont, Texas 77703

3. Records and Reporting

Concurrent with the payment of the SEP amount, Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP amount to the Third-Party Administrator. Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Office of Legal Services
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

Respondent shall also mail a copy of the check to the Enforcement Division SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.